

AMENDED IN ASSEMBLY MARCH 16, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2089

Introduced by Assembly Member Coto

February 18, 2010

~~An act relating to public education.~~ *An act to amend Section 33370 of the Education Code, relating to American Indian education programs.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2089, as amended, Coto. ~~Education Governance Commission.~~
American Indian Education Oversight Committee.

Existing law requires the Superintendent of Public Instruction, with input from existing California American Indian education center directors, to appoint an American Indian Education Oversight Committee by January 30, 2007, composed of at least 7 educators, 4 of whom shall be California American Indian education center directors. All members shall possess proven knowledge of current educational policies relating to, and issues faced by, American Indian communities in California. This committee shall provide input and advice to the Superintendent on all aspects of American Indian education programs established by the state.

This bill would require the Superintendent to appoint an American Indian Education Oversight Committee, as described above, by January 30, 2012. The bill would allow the Superintendent, if he or she is unable to find a qualified individual to fill a vacancy in one of the 4 positions for center directors within 30 days of the vacancy arising, to fill the vacancy with an educator who is not a center director.

~~Existing law establishes various state and local governmental agencies to govern the operation of the public elementary and secondary school system, and prescribes the powers and duties of those agencies.~~

~~This bill would establish the Education Governance Commission, composed of 12 members to be appointed as specified, and require the commission to convene on February 1, 2011, and meet until October 1, 2011, in order to create a plan for the governance of the state's public elementary and secondary school system. The bill would require the commission to complete and present its plan to the Legislature in time for legislative action during the 2nd year of the 2011–12 Regular Session of the Legislature.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 33370 of the Education Code is amended
2 to read:
3 33370. (a) There is hereby created within the department an
4 American Indian Education Unit, which shall provide technical
5 support to, and proper administrative oversight of, American Indian
6 education programs established by the state in order to ensure that
7 American Indian pupils in California public schools are able to
8 meet the challenging academic standards of the federal No Child
9 Left Behind Act of 2001 (20 U.S.C. Sec. 6301 et seq.) and that
10 those programs reflect the cultural and educational standards stated
11 in Executive Order No. 13336, 69 Federal Register 25295 (May
12 5, 2004), relating to American Indian and Alaska Native Education.
13 (b) The Superintendent shall appoint an American Indian
14 Education Unit Manager who shall oversee the American Indian
15 Education Unit.
16 (c) The duties of the American Indian Education Unit shall
17 include *the* development of clear, consistent, and effective
18 operating policies and procedures that include measures to ensure
19 that the learning needs of American Indian pupils are being
20 adequately addressed.
21 (d) The department shall ensure that staff are properly trained
22 in the application of the policies adopted pursuant to subdivision
23 (c) and that the policies are consistent with the legislative intent
24 relating to the California American Indian Education Program and

1 with Section 11019.6 of, subdivisions (d) and (f) of Section 11340
2 of, and Section 11342.2 of, the Government Code.

3 (e) The department shall prescribe the following:

4 (1) The data that California American Indian education centers
5 shall report on an annual basis in order to measure program
6 performance.

7 (2) On or before January 1, 2011, the department shall conduct
8 an evaluation of the centers to determine whether to renew the
9 application of each existing center or instead to approve an
10 application to establish a new center.

11 (3) A description of the consequences for failing to submit the
12 data.

13 (f) The department shall adopt policies that include:

14 (1) An equitable process that will be used to select centers that
15 will receive grant awards and determine their respective funding
16 amounts.

17 (2) Establish a prompt timeframe for disbursing approved
18 payments to the centers.

19 (3) A monitoring process and plan to ensure that fiscal and
20 program information reported by the centers is accurate and
21 complete, including a process for corrective action and
22 investigation by the department for noncompliance. The process
23 shall be based upon consistent and equitable principles.

24 (4) The incorporation of culturally responsive methodologies
25 in order to ensure that an optimal educational program for
26 American Indian pupils is supported and maintained.

27 (5) Ensuring respect for the federal trust and sovereign nation
28 status of California American Indian tribes.

29 (g) The Superintendent, with input from existing *California*
30 *American Indian education* center directors, shall appoint an
31 American Indian Education Oversight Committee by January 30,
32 ~~2007~~ 2012, composed of at least seven educators, four of whom
33 shall be California American Indian education center directors. *If*
34 *the Superintendent is unable to find a qualified individual to fill*
35 *a vacancy in one of the four positions for center directors within*
36 *30 days of the vacancy arising, he or she may fill the vacancy with*
37 *an educator who is not a center director.* All members shall possess
38 proven knowledge of current educational policies relating to, and
39 issues faced by, American Indian communities in California. This
40 committee shall provide input and advice to the Superintendent

1 on all aspects of American Indian education programs established
2 by the state.

3 ~~SECTION 1. The Legislature finds and declares all of the~~
4 ~~following:~~

5 ~~(a) California's public elementary and secondary education~~
6 ~~governance structure has frequently been described as fragmented,~~
7 ~~and has evolved without clear roles and responsibilities. From the~~
8 ~~state level to the local level, there are numerous offices and entities~~
9 ~~involved in education governance. The lines of accountability are~~
10 ~~often unclear.~~

11 ~~(b) In 2002, the Legislature established the Joint Committee to~~
12 ~~Develop a Master Plan for Education that includes working groups~~
13 ~~and resulted in more than 40 recommendations for education~~
14 ~~reform.~~

15 ~~(c) In November 2007 the Governor's Committee on Educational~~
16 ~~Excellence, composed of statewide education, business, and~~
17 ~~community leaders, issued its recommendations to reform~~
18 ~~education governance in this state.~~

19 ~~(d) "Getting Down to Facts," an independent research project~~
20 ~~requested by the Governor, the President pro Tempore of the~~
21 ~~Senate, the Speaker of the Assembly, and the Superintendent of~~
22 ~~Public Instruction, and conducted by the Institute for Research on~~
23 ~~Education Policy and Practice at Stanford University, found a~~
24 ~~fragmented state education governance system and recommended~~
25 ~~realigning the system to better define roles and responsibilities.~~

26 ~~(e) As part of the ongoing effort to reform the governance,~~
27 ~~budgetary, and finance systems of this state, this act seeks a path~~
28 ~~to statutory change in the state's public elementary and secondary~~
29 ~~education governance structure.~~

30 ~~SEC. 2. (a) The Education Governance Commission is hereby~~
31 ~~established. The commission shall be composed of 12 members~~
32 ~~to be appointed as follows:~~

33 ~~(1) Six members appointed by the Governor.~~

34 ~~(2) Three members appointed by a concurrent resolution adopted~~
35 ~~by the Legislature.~~

36 ~~(3) Three members appointed by the Superintendent of Public~~
37 ~~Instruction.~~

38 ~~(b) (1) The commission shall convene on February 1, 2011,~~
39 ~~and meet until October 1, 2011, in order to create a plan for the~~
40 ~~governance of the state's public elementary and secondary school~~

1 system. The commission shall complete its plan, and present the
2 plan to the Legislature in time for legislative action during the
3 second year of the 2011-12 Regular Session of the Legislature.

4 (2) The plan shall replace the study on educational governance
5 completed by the Institute for Research on Education Policy and
6 Practice in November 2006 as the basis for policy decisions
7 regarding education governance in this state.

8 (3) The plan shall include a comprehensive organizational chart
9 of the proposed governance structure and clear definitions of the
10 roles, responsibilities, and scope of authority of each office or
11 entity. The plan also may include the elimination of offices and
12 roles, the consolidation of offices and roles, and intervention
13 strategies as necessary.